

1
2 COMMUNITY ZONING APPEALS BOARD - AREA 11
3 MEETING OF WEDNESDAY, DECEMBER 10, 2013
4 KENDALL VILLAGE CENTER - CIVIC PAVILLION
5 8265 S.W. 124 Avenue, Miami, Florida
6

7
8 ITEM A
9 FIVE STAR JEWELERS, INC.
10 (13-53)
11

12
13 COUNCIL MEMBERS PRESENT
14

15 Patricia S. Davis, Chair
16 Carolina Blanco
17 Beatriz Suarez
18 Socrates De Jesus

19 STAFF

20 Carl Harrison

21 ASSISTANT COUNTY ATTORNEY

22 Abbie S. Raurell,
23
24
25

SPEAKER INDEX

Chairwoman Davis: 3-5, 7-8, 33-36, 38-40,
42-53, 55-57, 60, 63-64, 67, 70, 74-75.

Councilwoman Blanco: 4, 68-70, 75,

Councilwoman Suarez: 4, 65-67, 74-75,

Councilman De Jesus: 4, , 34-35, 60-64, 74-75.

STAFF

Mr. Harrison: 4-5, 8, 66, 69, 75.

Ms. Raurell: --

APPLICANT'S REPRESENTATIVE

Mr. Mayol: 8-21, 36, 38, 50, 61, 63, 65-68,
70, 72, 75.

SUPPORTERS

Jorge Carvajal: 18, 63-65.

Lawrence Percival: 35-36, 38.

Armando Mato: 39.

Denise Alvarez: 40, 42.

Letter read of Ory Dawes: 40.

Eliza Valenti: 43.

Marcus Ravelo: 45.

Grandon Carvajal: 46.

Vanessa Carvajal: 47.

Pedro Guerrero: 50.

Jorge Chayeb: 51.

Alicia Legra: 53.

Keith Holder: 54.

Amy Castillo: 56.

Clara Mirabal: 57.

OBJECTORS

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1 (Thereupon, the following proceedings
2 were had:)

3 Please turn all of your cell phones
4 and beepers to silent, including mine,
5 which are on vibrated at this moment, but
6 I will turn them to silent.

7 Good evening.

8 The West Kendall Community Council is
9 now in session. I see we have a Court
10 Reporter and a County Attorney.

11 Tonight I'm going to ask Julio
12 Celeres (sic), Councilman at Area 10 to
13 come and lead us in the Pledge of
14 Allegiance. And I think I said your last
15 name wrong. I'm so sorry.

16 COUNCILMAN CACERES: That's okay.

17 Thank you, Madam Chair.

18 (Thereupon, the Pledge of Allegiance
19 was had, after which the following
20 transpired:)

21 CHAIRWOMAN DAVIS: Thank you. You
22 may be seated.

23 CHAIRWOMAN DAVIS: Staff --
24 Mr. Jones, would you please call the
25 roll -- Mr. Harrison. I knew that you're

1 not -- sorry. It's going to be a night.

2 MR. HARRISON: Councilwoman Blanco?

3 COUNCILWOMAN BLANCO: Present.

4 MR. HARRISON: Councilman De Jesus?

5 COUNCIL MEMBER DE JESUS: Present.

6 MR. HARRISON: Please show Vice Chair
7 Diaz absent.

8 Please show Councilman Reichbaum
9 absent as well.

10 Councilwoman Suarez?

11 COUNCILWOMAN SUAREZ: Present.

12 MR. HARRISON: And Chairwoman Davis?

13 CHAIRWOMAN DAVIS: Present.

14 MR. HARRISON: We have a quorum.

15 CHAIRWOMAN DAVIS: Thank you.

16 Those of you who are present who wish
17 to speak tonight, you must stand at this
18 time and the Court Reporter will swear you
19 in. Even if you're not sure, go ahead and
20 do it.

21 (Thereupon, all interested
22 individuals seeking to present testimony
23 in these proceedings were duly sworn to
24 tell the truth, the whole truth, and
25 nothing but the truth, after which the

1 following transpired:)

2 CHAIRWOMAN DAVIS: Thank you.

3 There will now be an introductory
4 statement read by staff.

5 MR. HARRISON: In accordance with the
6 Code of Miami-Dade County, all items to be
7 heard tonight have been legally advertised
8 in the newspaper. Notices have been
9 mailed, and the properties have been
10 posted.

11 Additional copies of the agenda are
12 available here at the meeting.

13 Items will be called up to be heard
14 by agenda number and the name of
15 applicant. The record of the hearing on
16 each application will include the records
17 of the Department of Regulatory and
18 Economic Resources.

19 All these items are physically
20 present this evening, available to all
21 interested parties, and available to the
22 members of the Board who examine items
23 from the record during the hearing.

24 Parties have the right of cross
25 examination.

1 This statement along with the fact
2 that all witnesses have been sworn, should
3 be included in any transcript of all or
4 any part of the proceedings.

5 In addition, the following
6 departments have representatives present
7 here at the meeting to address any
8 questions. The Zoning Evaluation and
9 Platting and Traffic Review sections of
10 the Department of Regulatory and Economic
11 Resources, and the County Attorney's
12 Office.

13 All exhibits used in presentation
14 before the Board becomes part of the
15 public record, and will not be returned.

16 Any person making impertinent or
17 slandorous remarks, or who becomes
18 boisterous while addressing the Community
19 Zoning Appeals Board, shall be barred from
20 further audience before the Community
21 Zoning Appeals Board by the presiding
22 officer unless permission to continue, or
23 again address the Board be granted by the
24 majority vote of the Board Members
25 present.

1 The number of filed protests and
2 waivers on each application will be read
3 into the record at the time of hearing as
4 each application is read.

5 Those items not heard prior to the
6 ending time for this meeting will be
7 deferred to the next available zoning
8 hearing meeting date for this Board.

9 CHAIRWOMAN DAVIS: Thank you very
10 much.

11 Now, before I say anything else,
12 since we have a full room, there's a
13 couple of things you need to know about
14 this room. The acoustics. If you're
15 whispering in the back, we can hear you
16 here. So please be mindful that sound
17 carries very, very well in this room.

18 We also have a tradition here. If
19 you agree with something, you go like this
20 (indicating). We don't do hand clapping.
21 We don't do shouting, we don't do carrying
22 on. You can raise your hands, and do
23 that, (indicating). If you raise your
24 hand against it, be mindful that there are
25 children and everybody in the room. So

1 nothing bad with the hand signals.

2 Other than that, let me first ask, do
3 we have any withdrawals or deferrals this
4 evening? Seeing none, I will ask that
5 staff, please call the items in the order
6 we agreed on.

7 (Thereupon, other matters not related
8 to this case were heard, after which the
9 following transpired:)

10 CHAIRWOMAN DAVIS: You may call the
11 next application.

12 MR. HARRISON: The next item on the
13 agenda is Item A, 13-11-CZ11-1, Five Star
14 Jewelers, Incorporated. Application
15 Number 13-053, zero protests, zero
16 waivers.

17 Madam Chairwoman, members of the
18 Council, Juan Mayo1 along with Mike Freire
19 with the law firm of Holland and Knight at
20 701 Brickell Avenue on behalf of the
21 applicant. Unfortunately for you, you're
22 stuck with me for a little longer tonight,
23 but actually this is a very simple
24 request, and I think we can get through it
25 pretty swiftly.

1 It is a pleasure and an honor to
2 appear before you on behalf of Jorge
3 Carvajal and his family. They're joining
4 us tonight. And I know at least one or
5 two will speak to you tonight. I plan to
6 introduce Jorge and ask him a couple
7 questions about the process.

8 I'd be remiss if I didn't thank you,
9 because you agreed to defer this item when
10 it came up before you on November 7th. I
11 was out of town. I was actually
12 celebrating my 22nd wedding anniversary,
13 and I didn't think I could -- I think my
14 partner would actually stab me if I had to
15 come. So I really appreciate it.

16 This is an item where we really took
17 community outreach to I think a new level.
18 Not only were there 1,338 notices sent out
19 by the client -- by the County at the
20 client's expense -- at the applicant's
21 expense, but it was actually sent out
22 twice. Jorge and his family knocked on
23 400, and they mailed 500 letters
24 explaining what the application was about.

25 What we did was, we got a copy of the

1 mailing list that the County uses, and
2 they actually mailed out letters to the
3 500 closest neighbors. Many of those
4 neighbors are actually here to express
5 their support for this application.

6 I brought a few handouts, and I do
7 apologize in advance, because they're
8 pretty voluminous. I could tell you that
9 I don't expect you to read them all
10 tonight. I'm just going to simply point
11 to the different areas in the town
12 homes -- in the handout.

13 So we have two packets. One is a bit
14 thinner, and one is -- it actually goes
15 from one through 16. Sixteen different
16 tabs. The copies of the exhibits that are
17 before you are also in that booklet just
18 in case it's easier to see from up close.

19 We also brought duplicate boards so
20 that the audience has a board of their own
21 and the council members have their own
22 board. That's why Mike will be manning
23 the two.

24 Then we also have this large packet.
25 That is, 17 similar approvals for the same

1 use in the general Kendall area. There
2 have been tens of applications like this
3 one before you presented to the Community
4 Council through CZAB over the years. We
5 only searched in the Kendall area, and we
6 found 17 approvals of the same use.

7 When I looked beyond the approvals,
8 we pulled the recommendations, and
9 actually staff recommended an approval of
10 every single one of them. The exact same
11 request, the exact same code section, the
12 exact same criteria, and very similar
13 cases. Those are the 17 approvals that
14 are before you.

15 We took that information in that
16 large zone and summarized it in a chart
17 that Mike will introduce. Unfortunately,
18 we burnt a lot of paper. At the
19 conclusion of the hearing, you can give
20 those back, and we will gladly recycle
21 them tomorrow. I do apologize for the
22 amount of paper. So in that chart then
23 we'll be discussing it.

24 Later in my presentation, you can see
25 the summary of all of the approvals that

1 are before you tonight.

2 We then went through the
3 recommendations, and the basis for the
4 approval by staff and created an
5 evaluation checklist. And I will also
6 walk you through the checklist.

7 I basically asked two questions. I
8 was working by myself, so I asked myself
9 the questions.

10 Number 1, what is similar? What is
11 similar? What do those approvals tell me
12 about the item that's before you tonight?
13 Are they similar? Are they different? I
14 will walk you through what I found.

15 I also brought you a copy of the BU-1
16 regulations? The reason that I'm giving
17 you the BU-1 separate from the earlier
18 booklet is that Mike had already run the
19 copies of the booklet, and I wanted to
20 supplement it.

21 We'll be referring to BU-3, which is
22 the most liberal commercial
23 classification. We'll talk about BU-2,
24 BU-1A, and BU-1.

25 The significance of BU-1 is that a

1 jewelry store is allowed to buy and sell
2 used jewelry. So today Five Star Jewelers
3 can actually buy and sell used jewelry.

4 And, lastly, we have prepared a set
5 of conditions that at the end of my
6 presentation, I will be asking the Board
7 to consider approving this application
8 subject to a number of those conditions at
9 the end of the presentation. And I will
10 walk you through the conditions at the end
11 of the presentation.

12 I am attaching -- and I'm sure that
13 the Assistant County Attorney and Carl has
14 a copy of the e-mail from Nick Nitti. It
15 is an e-mail that states that effectively
16 his recommendations are consistent with
17 other jewelry stores pawn approvals. I'm
18 introducing that into the record. So
19 that's it.

20 Let me -- if I may give you an idea
21 of where we are, I want to walk you
22 through the subject property currently,
23 and I want to tell you why we're here,
24 what is the relief that we're seeking from
25 you today.

1 The subject property is actually
2 tiny. It is a space within an existing
3 retail center.

4 Let me give you the context. The
5 shopping center located at the northwest
6 corner of Kendall Drive and the southwest
7 corner of 152nd Avenue. So it is located
8 right on a major roadway, Kendall Drive,
9 intersected by another major roadway,
10 152nd Avenue.

11 The property where the retail space
12 is located is 7.53 acres. So almost eight
13 acres of land. It is zoned BU-1A, which
14 is a commercial classification that allows
15 any type of retail or surface use,
16 restaurants, certainly a jewelry store.
17 The BU-1A includes the BU-1 uses. A
18 jewelry store is actually authorized to
19 sell and purchase used jewelry.

20 The center is called the Kendall Park
21 Plaza. It is an 87,939 square foot
22 center. The corner store, Five Star
23 Jewelers, is 1,221 square feet. So when I
24 said tiny, it's really tiny. The store is
25 1.3 percent of the total square footage of

1 the center. It is, again, one of the
2 stores that calls this retail center home.

3 Tab 4 -- I'm sorry to jump a little
4 bit, but Tab 4 gives you the list of the
5 tenants. It tells you who is in the
6 retail center. And it shows Five Star
7 Jewelers at 1,221 and the total at 87,939.

8 The center has Sedano's Supermarket,
9 the Family Dollar Store. There is a
10 Denny's. There is a beauty salon.
11 There's an H & R Block store. There's a
12 pizza shop. There's a cake store. So it
13 gives you a sense of the services that you
14 would find in any neighborhood center.

15 And Jorge's store provides another
16 service that is provided to the community.
17 His hope is that his customers -- if this
18 application goes through, his customers
19 will have the opportunity of not selling
20 the jewelry to him, but be able to take
21 out a loan based on the value of that
22 jewelry, and what really becomes a highly
23 regulated transaction between the jewelry
24 store and the borrower.

25 In the last few years, I've seen many

1 of us face financial strains. So he has
2 seen an increase in the number of
3 customers who are actually asking, not
4 just to sell the jewelry, they want to be
5 able to take a loan and then retrieve the
6 jewelry once they pay off the loan.

7 Unfortunately, for many, the traditional
8 sources of credit, you know, banks, the
9 credit union, friends and family, those
10 traditional sources of credit are not
11 available. Some, because of a tarnished
12 credit history, others because maybe
13 something happened to their ability to
14 secure credits.

15 The proposal before you then is as
16 advertised by staff. It is to permit a
17 pawn shop. And the word pawn shop, the
18 term pawn shop, for many of us, it
19 conjures images of seedy businesses, and
20 you know, places that perhaps we would not
21 want to visit. That used to be the image
22 many years ago. Today, actually, you find
23 people using the so-called pawn shops
24 as -- this is their financial
25 institutions.

1 What's before you is not the approval
2 of a pawn shop. What's before you is a
3 request to allow Jorge to offer loans that
4 we secure by jewelry. The use would be
5 strictly limited to jewelry, and we'll go
6 through the conditions, but nothing else
7 would change. The center would look the
8 same. The store would look exactly the
9 same from the outside. In fact, on the
10 proposal that we will be describing for
11 you, the word "pawn," the term "pawn
12 shop," "pawn broker," and any term of
13 "pawn" will not appear in any of the
14 outside advertising.

15 This is how the store looks today
16 from the outside and from the inside.
17 This is how the store would look tomorrow,
18 if you were willing to approve the
19 application before you. There would be
20 some partition work done in order to
21 enhance the operation, but you would not
22 see many changes to the interior.

23 What we will not be doing, we will
24 not be pawning in the sense of the
25 traditional or typical view of a pawn

1 shop. We will not be pawning anything but
2 jewelry.

3 This is some of the items that you
4 would find in a traditional pawn shop
5 (indicating). None of those items would
6 be found here. This industry is a very
7 highly regulated industry. And while
8 Jorge spent a good hour explaining it to
9 me the other day, I felt that the best
10 person to explain it to the Board would be
11 Jorge Carvajal.

12 So I'm going to ask him to spend
13 three minutes or less explaining the two
14 types of transactions. One, when I sell
15 you my jewelry, and, two, when I take out
16 a loan based on the jewelry. He will tell
17 you the paperwork that is involved.

18 We have brought for you, as Item 9, a
19 copy of the transaction form that Jorge
20 must file with the state and the police
21 department.

22 MR. CARVAJAL: Good evening. Jorge
23 Carvajal, 11921 Southwest 126 Terrace,
24 owner of Five Star Jewelers.

25 And the pawn setting is a very

1 regulated industry. The process is very
2 similar in the sense that we have to --
3 and in the folder that he handed you,
4 there are step-by-step images that would
5 show you how it goes.

6 So pretty much we're approached by a
7 guest who would come in, and either want
8 to sell us their items, because they're
9 not interested in retrieving them. It's
10 something that maybe they wore when they
11 were teenagers and no longer care for and
12 they just want to sell it.

13 On the other hand, we have some
14 guests then come in and have some
15 sentimental attachment to the pieces, and
16 need a bridge loan for a couple weeks, a
17 month, and would like to get it back.

18 And I want to explain right now we
19 can give you that option.

20 So what we do is, we have a form,
21 which he presented to you, which would
22 actually detail each item which is left,
23 including the weight, how many stones, and
24 all the details. It's a contract that the
25 guess gets a copy of, we keep a copy, and

1 one copy goes to the police department.
2 So we're regulated by Miami-Dade County
3 Police. We're also regulated by
4 Tallahassee.

5 We have to -- start out by requesting
6 an ID, a Florida driver's license,
7 passport or such from the guest. We also
8 have to get a fingerprint from the person
9 leaving the item and a signature. Okay.
10 Then the item is put away in an envelope,
11 labeled, and put away in our safes. The
12 customer comes back, they pay us our fee,
13 the money that we loaned them. We give
14 them back their items. And it works out
15 for everybody, and everybody is happy.

16 Funny enough, with the license that
17 we have now, which we have for over five
18 years, when we buy the items -- if we buy
19 it from you today, on the 16th, I'm
20 allowed to sell it to a refinery and scrap
21 it. Once, you know -- if this application
22 is approved, once we get the pawn broker's
23 license with the restrictions that we're
24 presenting, due to Tallahassee
25 restrictions, now we have to hold items

1 60 days. So the items would actually sit
2 in our store for a longer period of time.

3 So if there is any question as to
4 where the item came from, you know,
5 somewhere where it shouldn't have, the
6 items would be sitting there, and it will
7 allow the police to do what they have to
8 do.

9 MR. MAYOL: Thank you, Jorge. And,
10 of course, Jorge will be available for
11 questions letter on. The process that he
12 explained is Item 8 on our packet.

13 We, on behalf of Jorge Carvajal,
14 really faced a dilemma in filing a zoning
15 application that would get him what he
16 needed, which is the ability to make loans
17 on used jewelry. So, again, BU-1 and
18 BU-1A is the only classification that
19 allows the purchase and sale of jewelry.

20 And if you look at Item 10, this is
21 what you find everywhere you drive to
22 where there is a commercial center.
23 People are buying gold. And, you know,
24 because of the market for gold, that has
25 been extremely popular in the last few

1 years. That can happen today, and it
2 doesn't have to be gold. It could be much
3 more than that.

4 At the moment, he proposes to make a
5 loan on the jewelry, then he must secure
6 additional zoning approvals. We have two
7 alternatives. We could file for the
8 rezoning of the property to BU-3. So we
9 would rezone that entire center to BU-3,
10 and liberalize the zoning classification
11 on the center. We brought for you the
12 BU-2 and BU-3 regulations to show you some
13 of the uses that are presented in BU-2 and
14 BU-3. Or we were given the choice of
15 filing for a use variance.

16 A use variance is a use as defined by
17 code -- it's a variance, which permits a
18 use of land other than that which is
19 prescribed by zoning regulations. I want
20 to give you a sense of -- give you a few
21 examples of a use variance, what such a
22 use would be. So I brought you three just
23 to give you a range.

24 Item 14 is an application by Mory
25 (phonetic) Investments. This went to

1 actually Community Council 10. It was
2 approved as a use variance to permit
3 offices in a district -- in the RU-1
4 district, which is a residential district.
5 So you were going from a -- they were
6 having an office use in a residential
7 district. That's a typical use variance
8 in some parts of the County.

9 Item 15 is a use variance. Again, it
10 goes to the use, to permit a car wash in
11 the RU-2 zone. RU-2, as you probably
12 know, allows duplex residential uses.
13 They wanted to do a duplex in RU-2. That
14 went to Community Council 10, and it was
15 approved in 2012.

16 Item 16 is fairly unusual in that you
17 don't see too many of them. Item 16 was a
18 use variance to permit an access drive --
19 an access road in land that was zoned GU.
20 It was not zoned commercial. The access
21 road was to serve the recently approved
22 Target store on the corner of 8th Street
23 and 137th Avenue north of where we are.
24 So those are examples of use variances.

25 The last book that Mike is about to

1 introduce into the record -- and I'll give
2 him a second to bring those to you. A
3 second? Maybe 30 seconds. So it turns
4 out that applications like Jorge's have
5 been presented to the County for a long,
6 long time.

7 And as I stated when I started, we
8 searched for similar approvals in the
9 Kendall area. There are -- I said 17, but
10 there are actually 15 approvals in total
11 here. Items 1 and 2 are for the same
12 jewelry store. Items 3 and 4 are for the
13 same. The reason I separated them is that
14 I have the resolution as one item, and the
15 recommendation as the second item. The
16 reason I singled those out is that they're
17 actually the closest to the proposed
18 jewelry store -- to Jorge's existing
19 jewelry store.

20 So Item 1 is a jewelry store located
21 at 15154 Northwest 77 Street. In 1997,
22 they went before the zoning board and
23 obtained a use variance and special
24 exception to permit a proposed pawn shop
25 in connection with an existing jewelry

1 store in the BU-2 district as it would be
2 permitted in the BU-3 district.

3 Item 3 is a similar request to permit
4 a pawn shop in connection with an existing
5 jewelry store in the BU-1A district as it
6 would be permitted in the BU-3 district.
7 That's at 13804 Southwest 152nd street.
8 That's actually in the Country Walk area
9 of Kendall.

10 What was really interesting -- and,
11 again, we gave you a summary of those
12 approvals.

13 What was most interesting to me is
14 that when I reviewed the staff
15 recommendation for every single one of
16 those 15 items, I found that staff
17 actually recommended approval of every
18 single one of them. And so I decided that
19 I would review every recommendation and
20 try to determine why they had recommended
21 approval.

22 So I created a chart, which
23 summarizes the basis for staff's
24 recommendation of approval, on a use
25 variance on those 15 instances. So staff

1 said the use was in connection with an
2 existing jewelry store. It checks out.
3 Our proposed use is in connection with an
4 existing jewelry store.

5 The second one is location within a
6 larger shopping center. Again, we are a
7 tiny little store within an 89,000 square
8 foot shopping center.

9 A fronting on a section line road.
10 We front on a section line road. In fact,
11 one of the most important section line
12 roads in the County, Kendall Drive. And
13 we front on the other side on a half
14 section line road, 162nd Avenue.

15 The fourth factor was that they would
16 only be pawning jewelry. Again, we would
17 only be pawning jewelry.

18 Staff indicated that it was important
19 to them that these conditions would be
20 imposed on the approval.

21 So if the conditions were that the CU
22 be subject to cancellation, if the
23 conditions were not complied with, we are
24 proposing that, and we'll walk you through
25 the conditions.

1 Number 2, there will be restrictions
2 on signage and outdoor displays. We also
3 have those restrictions, but we actually
4 have gone further. We're proposing that
5 no outdoor sign will be permitted to
6 utilize the terms "pawn" or "pawn shop".
7 So that no one walking or driving by the
8 center could actually see the word pawn.

9 We are proposing that a condition be
10 required so that Jorge would have to
11 execute and record a declaration of use
12 with the county that will be limiting the
13 use to jewelry only. If the jewelry store
14 use terminates, the pawn use would expire.
15 So that it can remain open as long as the
16 jewelry store use is in operation, and the
17 pawn component of it, the loan component
18 of it, would have the same hours of
19 operation as the jewelry store.

20 And, again, we're proposing those for
21 you. All those conditions would be
22 suggested by the applicant as part of an
23 approval of the application.

24 I normally don't read from the
25 documents that I bring forth and introduce

1 into the record, but I was -- actually, I
2 thought that it would be interesting for
3 this council to read a portion of the
4 zoning recommendation, which appears in
5 Item 4. And that is, the -- I'll give you
6 time to get there. It's item 4. It's
7 actually the fourth page in that item, and
8 I highlighted in the margins the language
9 that I think is very telling of the
10 staff's position on this type of
11 application.

12 So staff indicates that they have no
13 objection to the application with
14 conditions. And I've gone through those
15 conditions limiting the pawn use to
16 jewelry only.

17 And I quote, "If as much as the
18 applicant must demonstrate a necessary
19 hardship in this case, it is staff's
20 opinion that consideration must be given
21 to the location of a business at the
22 intersection of two section line roads.
23 Other supportive factors are the large
24 size of the shopping center, which is
25 developed on an 8.6 acre tract with

1 numerous stores, which offer a wide array
2 of goods and services, and the internal
3 location of the proposed pawn shop within
4 the shopping center.

5 "Staff also feels that considering
6 the nature of a jewelry store operation,
7 the pawning of used jewelry will be a
8 logical ancillary use to the existing
9 jewelry store.

10 "Staff notes that a use variance
11 special exception to permit a pawn shop
12 for jewelry only in connection with an
13 existing jewelry store in a 5. acre
14 shopping center located on Southwest 160th
15 Street and 137th Avenue was approved by
16 the Zoning Appeals Board on July 17th.'

17 Staff concludes by saying that, "In
18 this regard, with the imposed conditions,
19 the pawn shop for the pawning and sale of
20 used jewelry will not be contrary to the
21 public interest and land use regulations,
22 and will allow the application a use of
23 the premises that will not detrimentally
24 impact the surrounding area.

25 "Accordingly, staff recommends

1 approval of the application."

2 When you compare the site that was
3 the subject of this application to the
4 site before you, it's almost exactly
5 identical. You have the intersection of
6 two major roads. In that case, Coral Reef
7 and 137th Avenue. In our case, Kendall
8 Drive and 162nd Avenue. You have the
9 exact same request. The property was
10 zoned BU-1A, and we were seeking the pawn
11 component that's allowed in BU-3. It's
12 the same code, the same criteria, the same
13 set of facts. And that led staff to
14 recommend approval subject to conditions,
15 and it led the Board to approve the
16 application before them.

17 I can tell you that I have gone
18 through the exercise of reviewing every
19 single one of those approvals that I've
20 introduced into the record, and I can tell
21 you the same can be said of each one of
22 those approvals. And it is, I think,
23 reasonable to conclude that the weight of
24 the precedence would justify the approval
25 of this application as restricted by the

1 proposed conditions the same as those
2 earlier approvals.

3 I mentioned that we have a set of
4 conditions, and I would like to review
5 those with you. I'm quickly concluding my
6 remarks. There's a lot of papers. I
7 don't want you to think that I'm going to
8 go for much longer. I want to conclude
9 with a discussion of the conditions,
10 which, again, in an earlier e-mail today,
11 we confirmed that those conditions -- if
12 the Board were to approve the application,
13 we confirmed that they would be acceptable
14 to staff as the conditions are consistent
15 with other jewelry pawn applications
16 earlier approved.

17 So the condition of approval would
18 include eight of them. I'm not going to
19 go through every single one of them in
20 that one, two, three a fairly standard
21 conditions. We're tying the approval to
22 the plans before you.

23 Condition 4, if we don't comply with
24 the conditions of the approval, the CU can
25 be revoked.

1 Condition Number 5 deals with
2 signage, but, most importantly, it states
3 that in addition to -- in addition, the
4 terms pawn -- there's a comma missing
5 there. In addition, the terms pawn,
6 pawning, or pawn shop shall not be used in
7 any outdoor signs. So, again, you drive
8 by, you walk by, you will not see the word
9 pawn.

10 Condition Number 6 will limit the
11 pawn component of it to the jewelry only.
12 We will only operate the pawn component in
13 connection to the jewelry store for as
14 long as the jewelry store is in operation.
15 And, again, the two will maintain the same
16 hours of operation.

17 So we would urge you to consider our
18 proposed conditions, to consider the
19 similarities of the application before you
20 with the earlier 15 approvals in the
21 Kendall area, and we would urge your
22 approval of this application subject to
23 those conditions. I, as well as Jorge and
24 anyone else in our group, will be
25 available for any questions.

1 I do know that there are several
2 people who do wish to speak to you. I'm
3 not aware of any opposition. And, again,
4 1,338 notices did go out. I'm not aware
5 of any opposition, but if there are any
6 objectors, if I may reserve a couple
7 minutes for rebuttal, that would be great.

8 Thank you so much.

9 CHAIRWOMAN DAVIS: Thank you so much.

10 This is a very obedient group. Thank
11 you so much.

12 So I will ask, let me see a show of
13 hands of those of you here to object to
14 this application.

15 AUDIENCE MEMBERS: (No response).

16 CHAIRWOMAN DAVIS: Wow! This is an
17 exceptional night. All right.

18 There are many of you here. As
19 everyone knows, I'm a great believer that
20 anybody that shows up here to say
21 something to us, we want to hear you. So
22 I will ask that those of you who wish to
23 speak to us and tell us your feelings
24 about it, if you would form a nice line.
25 I do not say things like you can only take

1 a certain amount of time or anything like
2 that, but just remember it is a school
3 night and there are people that have been
4 here a long time. So please do try to
5 keep those things in mind.

6 COUNCIL MEMBER DE JESUS: Madam
7 Chair.

8 CHAIRWOMAN DAVIS: Yes, sir.

9 COUNCIL MEMBER DE JESUS: Should the
10 members first ask questions before we hear
11 the audience?

12 CHAIRWOMAN DAVIS: We usually do it
13 after the public hearing, only --

14 COUNCIL MEMBER DE JESUS: Might take
15 too long.

16 CHAIRWOMAN DAVIS: Well, I'm going to
17 stick to that for one reason. Our
18 experience has been that we sometimes hear
19 questions come up that we might not have
20 thought to ask until we hear it.

21 COUNCIL MEMBER DE JESUS: No problem.
22 Go ahead.

23 CHAIRWOMAN DAVIS: So rather than ask
24 questions, open it, and then we have to
25 ask the questions again.

1 COUNCIL MEMBER DE JESUS: I'll ask
2 one later.

3 CHAIRWOMAN DAVIS: We'll do our very
4 best. So with that being said, we'll do
5 our best to try to -- you signed in for
6 the long haul being here.

7 COUNCIL MEMBER DE JESUS: I know. I
8 know.

9 CHAIRWOMAN DAVIS: We always are.
10 While these gentlemen consult, if the
11 other gentleman would like to come
12 forward, please.

13 MR. PERCIVAL. Good evening, Madam
14 Chair, Council Members.

15 Lawrence Percival, President, Greater
16 Kendall Community Activist, Incorporated,
17 11945 Southwest 127th Court.

18 Now, I'm clearly familiar to the four
19 of you, but to a great number of the
20 people in the audience, they have no clue
21 who I am or my involvement in the
22 community. And, you know, since the
23 creation of this community council, I'm
24 probably the single most significant
25 regular attendee of your meetings since

1 the formation of this council. I began my
2 involvement first as a citizen, and then
3 as the Vice President of the Kendall
4 Federation of Homeowner's Association,
5 speaking on their behalf on issues that
6 would be beneficial to that organization.
7 That has now evolved to my being a
8 community activist, and having formed a
9 community activist organization to look
10 out for the greater good of the western
11 greater Kendall community.

12 CHAIRWOMAN DAVIS: If we could move
13 to the application.

14 MR. PERCIVAL: With that being said,
15 I think this is an important issue,
16 because you see a large number of people
17 here that have a personal reason, whatever
18 it is, why they're here in support. I
19 didn't see anybody raising their hand, or
20 I'm not aware of opposition.

21 The one thing that Mr. Mayol spoke
22 about that probably is important is that
23 concept of the word pawn shop, or pawn
24 broker or things of that sort. It doesn't
25 have a positive connotation. And in as

1 much as, one, you have zoning department's
2 approval, and, two, there's stipulations
3 and conditions relative to this, so that,
4 I believe, your council and all of us in
5 west Kendall can be protected and not be
6 concerned and worried that if one day he
7 should decide to retire, and if he should
8 decide to sell his business to someone
9 else, who could come in and take that
10 location, that the restrictions that you
11 would put in place, and that, through the
12 Council, have been proffered, would
13 protect this community so that we wouldn't
14 have to worry that something negative
15 could evolve because a precedent was set,
16 because he was granted this permission to
17 borrow -- excuse me -- to buy people's
18 jewelry, and/or to lend them money in
19 exchange for that commodity. And if they
20 don't come back within a certain time
21 frame to reclaim it or pay the interest
22 that's obligated to be paid, that he could
23 then keep that merchandise.

24 We're not talking about, as they
25 showed in the presentation, lawn mowers,

1 or golf clubs or anything other than
2 jewelry.

3 I'm not aware -- I wasn't aware until
4 tonight that there were these services
5 within our community. I think there is a
6 need for this. I don't believe that
7 there's anything in the immediate area out
8 in the western bounds of greater Kendall.
9 There may be services, as Mr. Mayol has
10 pointed out, at Country Walk, or Sunset or
11 even places closer to here, but as it
12 relates to that location, I think it would
13 serve the benefit of the community to
14 allow it.

15 I hope this Council would approve it.
16 And if you have any reservation or
17 concerns, please allow those restrictions
18 to be part of the covenant, or part of an
19 agreement that will protect this community
20 so that something negative could not come
21 out of something good.

22 Thank you.

23 CHAIRWOMAN DAVIS: Thank you very
24 much Mr. Percival.

25 MR. PERCIVAL: And please approve

1 this application.

2 CHAIRWOMAN DAVIS: Thank you, sir.

3 Next.

4 MR. MATO: Good evening. My name is
5 Armando Mato. My address is 16260 SW 81st
6 Street, Miami.

7 I live approximately about a half a
8 mile from the shopping center. Myself and
9 my family frequent the shopping center
10 quite a bit. I am one of those people
11 that when you hear the word, "pawn," it
12 gives you pause and you're like, okay.
13 You think of the -- you do think of the
14 seediness. You think of some guy driving
15 up trying to sell a bat mobile to the guy.

16 However, after listening and after
17 understanding what Mr. Carvajal wants to
18 do, the restrictions that he wants to put
19 on his business, and what he wants to do
20 with that, basically it's still going to
21 be just basically a jewelry store with an
22 added component.

23 You know, I fully support it. As
24 somebody who frequents that shopping
25 center, I fully support it, and I hope

1 that you all do, too. I hope that you
2 guys support the application. That's what
3 I need to say.

4 Thank you.

5 CHAIRWOMAN DAVIS: Thank you, sir.
6 Next.

7 MS. ALVAREZ: Good evening. My name
8 is Denise Alvarez, 14601 Country Walk
9 Drive, Miami, Florida. I'm the property
10 manager for the Country Walk Master
11 Association.

12 I'm here on behalf of our board
13 president, Ory Dawes, who wanted to be
14 here this evening. She would like me to
15 read this letter on her behalf for the
16 record. She's taking care of a family
17 crisis and asked, with your permission,
18 that I read this.

19 "Good evening, Council Members. I'm
20 sorry I was not able to personally come
21 before you tonight. I understand that
22 Five Star Jewelers has requested a
23 variance to allow pawning of items at
24 their Kendall store. I understand why the
25 neighbors would feel apprehensive about

1 allowing this type of service.

2 "A pawn store usually attracts a
3 clientele that you normally wouldn't want
4 in your neighborhood store. However, not
5 all pawn stores are created equal, nor its
6 clientele.

7 "Country Walk was equally concerned
8 when Five Star came to our neighborhood so
9 many years ago. I met with the owner, and
10 he assured us that this store was a
11 family-oriented store, and the pawn aspect
12 was additional service to the jewelry
13 store and not a sole source of income.

14 "My family has bought many pieces of
15 jewelry at Five Star over the years, and
16 my daughters never miss an occasion to
17 pick up another chamilia charm for our
18 bracelets. I've been in the store over
19 the past years making a purchase and
20 witness people pawning or selling their
21 jewelry. It was sad to see what families
22 had to do to make ends meet during the
23 recession, but was glad to see that these
24 hard-working families had a place to go
25 where they were treated with dignity and

1 respect during a time when they needed a
2 little extra cash and that they had the
3 opportunity to reclaim their items when
4 times got better.

5 "Please don't be fooled by the
6 stereotype or by what you see on TV. This
7 is not that type of store. I am proud to
8 have Five Star Jewelers in our community,
9 and was happy to see our neighbors had a
10 place to go in times of need. This store
11 will not produce the element of people
12 frequently associated with pawn shops.
13 This is a family that stands by its words,
14 keep their promises and cares about their
15 community.

16 "I ask and encourage you to approve
17 their application. Thank you, Ory Dawes."

18 CHAIRWOMAN DAVIS: Thank you.

19 MS. ALVAREZ: I would like to add my
20 own note, if I may.

21 CHAIRWOMAN DAVIS: Of course.

22 MS. ALVAREZ: In our experience with
23 this store, its owners and employees
24 handle their pawning aspect of the
25 business very discretely. You would never

1 know about the customer's transactions
2 unless you were going there for that
3 purpose, from what I see in the store at
4 Country Walk.

5 Keep in mind, once again, as you
6 already know, it is not the typical type
7 of pawn. It is limited to jewelry. Five
8 Star has been very supportive within the
9 community of Country Walk. When we've
10 reached out to them for special causes and
11 other things, they have never been
12 hesitant with their time and generous
13 donations of items needed for that
14 particular item such as medicine. She had
15 cancer, the little girl, brain cancer, and
16 they were very helpful with one of those.
17 That's one of many events that they were
18 helpful with. So they are proactive
19 within the community as well.

20 Thank you for your time.

21 CHAIRWOMAN DAVIS: Thank you very
22 much.

23 Next.

24 MS. VALENTI: Hi. My name is Eliza
25 Valenti, known as Titi -- Eliza Valenti,

1 known as Titi.

2 I'm one of the recipients --

3 CHAIRWOMAN DAVIS: I need your
4 address. And if I can get you to speak
5 into the microphone, because the Court
6 Reporter has to be able to hear it.

7 MS. VALENTI: Okay. 5915 Southwest
8 108 Place, Miami, Florida 33173.

9 I'm here -- thanks to Jorge and his
10 family, I still own that home, because
11 when I was about to lose my home in
12 foreclosure, I was able to take jewelry
13 and pay my mortgage. That's my case.

14 My heart is beating a thousand miles
15 a minute.

16 CHAIRWOMAN DAVIS: Okay.

17 MS. VALENTI: For friends of mine,
18 that shared the experience that I had, and
19 how he and his business was able to help
20 us. I have friends that were able to pay
21 for their medicines, and for their kids to
22 go to private school and to attend the
23 sporting events that their kids needed to
24 participate in.

25 So I'm here only representing a

1 miniscule portion of people that have not
2 been able to be here that believe in the
3 Carvajal family, their business, and the
4 need to have this approved.

5 Thank you.

6 CHAIRWOMAN DAVIS: Thank you very
7 much.

8 MR. RAVELO: Good evening. My name
9 is Marcus Ravelo, 12728 Southwest 64
10 Terrace.

11 One of the great things that I love
12 about this Country, the freedom, the
13 choice that we have. I'm a former veteran
14 honorably discharged from the first Gulf
15 war.

16 CHAIRWOMAN DAVIS: Thank you.

17 MR. RAVELO: I actually -- I think
18 there's too many restrictions. Me, as a
19 customer, I haven't had to use these
20 services, but it's nice to know that
21 they're there if I need them. I hope I
22 never do, but I would like the
23 restrictions to be removed, because it
24 removes choice from me. The more you
25 restrict him, the more me, as a consumer,

1 have restrictions. So I request that you
2 just pass this.

3 Thank you very much.

4 CHAIRWOMAN DAVIS: Thank you, sir.
5 And thank you for your service.

6 BRANDON CARVAJAL: Good evening.
7 Brandon Carvajal. My address is 11921
8 Southwest --

9 CHAIRWOMAN DAVIS: You're going to
10 have to speak a little slower and louder.
11 We know this is your first time, but
12 you're doing good. Just so she can hear
13 you.

14 BRANDON CARVAJAL: Okay.

15 CHAIRWOMAN DAVIS: All right. You're
16 making dad and the family proud. We're
17 happy. Okay.

18 BRANDON CARVAJAL: Brandon Carvajal,
19 11921 Southwest 126th Terrace. I'm here
20 to support my mom and dad.

21 We wanted to try and explain to our
22 neighbors and customers what this
23 application was all about. That it is not
24 a pawn shop.

25 We printed an explanation letter. We

1 walked door-to-door and we asked our
2 customers what they thought. We knocked
3 on a lot of doors and a lot of people
4 didn't answer, so we left the letter of
5 explanation. It was hot and rained a lot,
6 but we kept going.

7 We have 143 signatures to hand in
8 tonight. Only one said no.

9 CHAIRWOMAN DAVIS: Young lady, go
10 ahead and give it to him, and then he'll
11 pass it to us. That's your first time
12 handing something to the County. Maybe it
13 won't be your last. Very good.

14 Thank you.

15 BRANDON CARVAJAL: I'll offer to turn
16 in the opposition signature, too.

17 We also mailed 500 letters out to our
18 surrounding neighbors. We just wanted you
19 to know how hard we tried to let the
20 neighbors know what we were trying to do.

21 Please help my mom and dad.

22 Thank you, and goodnight.

23 CHAIRWOMAN DAVIS: Thank you very
24 much. Good job.

25 MS. CARVAJAL: Good evening. Vanessa

1 Carvajal, mother of these two beautiful --

2 CHAIRWOMAN DAVIS: Your address for
3 the record. I know you should be proud of
4 them. They did real good.

5 MS. CARVAJAL: 11921 Southwest 126th
6 Terrace.

7 CHAIRWOMAN DAVIS: It's all right.
8 Thank you, sir.

9 MS. CARVAJAL: I'm here, not because
10 I'm the wife and the mother, but because I
11 am very proud to be an active member of
12 this community. That is how we've raised
13 them. That is what we want to continue to
14 be. It humbles me greatly to see so much
15 support from our community, because that's
16 all we've ever wanted, to make a living in
17 an honest way, a decent way, and we take
18 great pride in helping others. That's all
19 we want to do.

20 It's a very family-oriented business.
21 My husband is very much by the books. He
22 does everything by the rules, you know,
23 everything in order. And I'm very proud
24 to stand by him and see what a beautiful
25 job he's done. I get emotional, just

1 because, you know, it's hard to sometimes
2 face obstacles when all you want to do is
3 good.

4 We live in this Kendall area. We've
5 been raised here. We don't want, you
6 know, what the typical pawn shop is. We
7 don't want it. We don't support it.
8 Unfortunately, just as the economy has hit
9 everybody, it's hit us, too. So it's a
10 form for us to be able to continue our
11 business and to continue to feed a lot of
12 mouths that we employ. A lot have been
13 families, and other that have become
14 families from just working with us.

15 Our main goal is just to, you know,
16 be able to get that license to be able to
17 continue on our journey, to continue to
18 help the community, to just be good people
19 in this society.

20 Since I'm up here, I just really want
21 to thank everybody that's here. They'll
22 never know.

23 CHAIRWOMAN DAVIS: Thank you very
24 much.

25 MS. CARVAJAL: If they don't mind, if

1 it's okay, I just want to make sure that
2 everybody that's here to stand up to show
3 our support.

4 Thank you.

5 CHAIRWOMAN DAVIS: Thank you very
6 much. We appreciate your show of support.
7 Thank you, ma'am.

8 MR. GUERRERO: Madam Chair, Council
9 Members, my name is Pedro Guerrero. My
10 address is 11780 Southwest 89th Street.

11 What you're being asked to do today
12 is obviously make a judgement call on this
13 approval. And, obviously, Mr. Mayo1 has
14 explained the precedent here. I believe
15 that Mr. Mayo1 has done an exceptional job
16 of presenting facts, and figures, and
17 grafts and pictures to you all, which are
18 very, very relevant, and especially
19 relevant to the county in this case,
20 because they have to follow the letter of
21 the law.

22 As the commission, you have the
23 benefit of using common sense. And I'm
24 listening to things outside of that. And
25 what Mr. Mayo1 could not reflect to you in

1 the charts, and the grafts and in the
2 pictures is -- and the difference between
3 this application and the other
4 applications that were part of his
5 composite is the applicant. And, as
6 you've seen, the applicant's family and
7 the support they have here.

8 I think that this speaks volume of
9 Mr. Carvajal and his family, and the type
10 of business that they've run for 24 years
11 and the type of business that they're
12 going to continue to run.

13 If you all approve this application,
14 I guarantee you, I give you my word that
15 you will not regret it. This will be a
16 business that will continue to flourish
17 with integrity and with the utmost
18 professionalism, because of this man and
19 this family.

20 So I ask for your approval of this
21 application tonight. And I thank you for
22 your time.

23 CHAIRWOMAN DAVIS: Thank you very
24 much.

25 MR. CHAYEB: Good evening, Council

1 Members. Jorge Chayeb, 14844 Southwest
2 152 Terrace.

3 I think I dropped the script, because
4 everything he said, I say the same thing.
5 I moved into the area of Country Walk
6 right about a year after Mr. Carvajal.
7 Until now, you're talking about, you know,
8 more than 15 years right now, he hasn't
9 changed. This isn't about a business, but
10 it's about a family. It's about the
11 morals that he's grown up with -- or that
12 he's teaching his kids.

13 He's not a person that just wants to
14 open up a jewelry store and just say here
15 goes. He's teaching his kids how to
16 operate a business, how to be -- how to do
17 everything by the letter of the law.
18 There's so many things he can do to make
19 him a riffraff, and he's not. He's doing
20 everything the way the council has asked
21 him to do, and the way the community has
22 asked him to do.

23 And that's it. Approve it.

24 CHAIRWOMAN DAVIS: Thank you very
25 much.

1 MS. LEGRA: Good evening. My name is
2 Alicia Legra. I live at 13721 Southwest
3 173 Street, Miami Florida, 33177.

4 I'm here because I want to support
5 the company where I work. I work at Five
6 Star Jewelry. And I'm here because I
7 still remember when I used to work at
8 Subway and I had a great opportunity when
9 the manager at one of the store gave me a
10 card. Five Star Jewelry gave me the
11 opportunity to work with them. I consider
12 that they're a great company, and I'm here
13 to support them, because I feel and I
14 believe that I'm more than being only an
15 employee or a number how I use to be at
16 Subway. I'm part of the Five Star family.

17 That's why I'm here, because I want
18 to support them, and that's why all the
19 family and all of the customers, and why
20 I'm here.

21 So the conclusion is, if they are
22 like that with the employee, what else you
23 can expect for the community?

24 Thank you.

25 CHAIRWOMAN DAVIS: Thank you very

1 much.

2 MR. HOLDER: Good evening, Council
3 Members. Keith Holder, 15221 Southwest
4 114 Terrace.

5 I'll be short and sweet. It looks
6 like it's been a long night.

7 I didn't know much about this
8 application until recently. And after
9 doing some research -- and I don't know
10 the applicant, but I have worked with the
11 representing attorney and his consultant,
12 Mr. Tim Hyman. I kind of -- again, the
13 first initial impression was pawn shop.
14 There's a negative attribute to it.

15 However, I drilled them through a
16 series of questions. And as you know me,
17 I usually have 10 questions to get a few
18 answers. I got plenty of answers as well
19 as many that I think answered a lot of the
20 concerns that the community would have,
21 which is, again, not allowing riffraff to
22 come into these areas and do business.

23 Every aspect of -- again, to make
24 this short, is it looks like it's a
25 business owner who's trying to access a

1 different dynamic to his business that I
2 think would be an enhancement to the
3 community and offer a quick solution for
4 residents who are looking for loans that
5 are not going to take a long process or go
6 through a denial process since it's so
7 difficult nowadays.

8 So I just want to voice my support in
9 this application, and, again, request your
10 approval on this.

11 Thank you.

12 CHAIRWOMAN DAVIS: Thank you, Mr.
13 Holder.

14 I'm going to take a minute right now.
15 I think we've heard a really -- the folks
16 that are in line right now, we're going to
17 hear. I would like to say that at this
18 point we've heard a very, very good
19 representation. If there is anybody else
20 that wants to come to the line right now,
21 they have either a burning point of view,
22 or feel that they would have had a real
23 missed opportunity, because they haven't
24 spoken, then we'll hear from you.
25 Otherwise, I would like for these two to

1 be the last heard this evening. I think
2 we've gotten a real good feel for the
3 community.

4 Please.

5 MS. CASTILLO: Good evening. My name
6 is Amy Castillo, and I represent the
7 landlord. My address is 9089 Southwest
8 129th Land. I'll make it very brief.

9 CHAIRWOMAN DAVIS: Excuse me. Which
10 landlord?

11 MS. CASTILLO: The landlord of the
12 shopping center.

13 CHAIRWOMAN DAVIS: Thank you.

14 No, I know that, but you needed to
15 say it for the record. Okay.

16 MS. CASTILLO: I've had the privilege
17 and the honor to work with them
18 side-by-side on a day-to-day basis, and we
19 fully -- we're happy to have them there.
20 We understand what they're trying to
21 provide, and they have our 100 percent
22 support.

23 Thank you.

24 CHAIRWOMAN DAVIS: Thank you very
25 much.

1 MS. MIRABAL: Good evening. My name
2 is Clara Mirabal. My address is 11267
3 Southwest 33rd Street.

4 I'm sorry.

5 CHAIRWOMAN DAVIS: It's okay. It's
6 okay.

7 MS. MIRABAL: I do well at home. I
8 don't do well in public.

9 CHAIRWOMAN DAVIS: You're doing fine.
10 You're doing fine.

11 MS. MIRABAL: Thank you.

12 Madam Chair and Council, I came to
13 work at Five Star Jewelers about four
14 years ago. The Carvajal family are not
15 only friends, but they're also considered
16 family members of ours.

17 I'm an integral part of the business
18 operation. I'm the inside manager, the
19 one that nobody likes. The Carvajal
20 family is a very supportive, a very
21 humble, a very giving family. In my
22 position, I receive updates from all of
23 our stores. What I receive on a
24 day-to-day basis is what the community
25 needs, and what it is that our customer

1 base comes in and asks for and what
2 requests. We try by all means to please
3 all of our customers. We go out of our
4 way. That's part of the Carvajal pride.
5 Their integrity is incredible. They go
6 out of their means for every single
7 individual customer.

8 For us and for our employees,
9 sometimes it's even a 24-hour a day job,
10 seven days a week. Sorry, Jorge. Phones,
11 texts, you name it. And my husband can
12 support that. We get it. But it's simply
13 always because of the customer service.
14 It's always because we want to give
15 everyone our number one attention. Not
16 only for the customers, for our neighbors,
17 but also for our employees.

18 The store approximately gives
19 about -- requires five to seven
20 employees -- customers a week more or less
21 coming in asking and requesting if we loan
22 money on jewelry. If you multiply that by
23 52 weeks a year, that's -- I don't know,
24 about 250 or so transactions that we miss
25 out on, and that we cannot serve our

1 neighbors with. That's a lot of people.
2 That's a lot of transactions. And those
3 are just the ones that come in asking.

4 We don't advertise. We advertise our
5 license like everyone else does, but we do
6 not advertise loaning money on jewelry.
7 For us, everything is word of mouth. So
8 all of our customers are from word of
9 mouth.

10 Besides that, I also want to add,
11 because my family has been very
12 much affected by him, by the Carvajal
13 family, Mr. Carvajal not only believes in
14 his business, and believes in his family,
15 but he brings in ours. I have four
16 children. I have teenagers. I have
17 nephews. I have nieces. Mr. Carvajal and
18 their family and Five Star Jewelers has
19 brought in our teenagers and our young
20 adults, not only to make an extra dollar
21 here or there, but he brings them in in
22 the summer. He brings them in Christmas
23 break, spring break. They not only are
24 making money, but they are being taught
25 integrity. They're being taught how to

1 treat a human being, one-on-one. Everyone
2 is an individual and everyone has value,
3 no matter what it is.

4 What our kids have learned -- we have
5 offered internships. Our kids -- they're
6 not here tonight, because they're taking
7 finals at FIU. There's actually five of
8 them. And we also have them at UCF taking
9 finals.

10 So, in conclusion, I know it's a long
11 night and it's old -- and it's late, but I
12 appreciate your support. You won't be
13 sorry. And our neighborhood really,
14 really needs this service.

15 I ask the Council to please really
16 take us into consideration, because it is
17 something that our neighborhood really,
18 really needs.

19 Thank you. Have a good evening.

20 CHAIRWOMAN DAVIS: Thank you very
21 much.

22 At this time, the public hearing is
23 closed. And we will have some council --
24 Councilman De Jesus?

25 COUNCIL MEMBER DE JESUS: I have two.

1 One, so the applicant has another
2 jewelry store, provides the same type of
3 business from buying to loaning the money?

4 MR. MAYOL: Yes.

5 COUNCIL MEMBER DE JESUS: Would you
6 explain that a little.

7 MR. MAYOL: Yes, he does, in fact,
8 Councilman. He has a store that operates
9 out of the Country Walk shopping center at
10 the corner of 152 Street and 137th Avenue.
11 That's one of the earlier approvals that I
12 showed you, yes.

13 COUNCIL MEMBER DE JESUS: And the
14 applicant -- the application was the same
15 from what you actually showed us, correct?

16 MR. MAYOL: Exactly the same. I
17 mean, other than a different location, but
18 on a section line road, say part of a
19 larger center, exclusively in connection
20 with jewelry. All the other conditions
21 were exactly the same.

22 COUNCIL MEMBER DE JESUS: So explain
23 this to me. When you get a jewelry
24 license, you're also able to buy -- not
25 only buy, but kind of exchange jewelry at

1 the same time? Is that what you
2 explained?

3 MR. MAYOL: Right. So the property
4 is zoned BU-1A. Under the BU-1A zoning
5 classification, Jorge is allowed to buy
6 and sell used jewelry. The moment he
7 crosses into making a loan on the jewelry,
8 that's when the County will treat him as a
9 pawn broker. So he can buy it from you,
10 but he can't loan you money on it.

11 COUNCIL MEMBER DE JESUS: Okay. Let
12 me see. My other question -- I'm sorry, I
13 was just writing my questions down here.
14 So he was previously approved.

15 MR. MAYOL: At Country Walk, he was
16 approved, and today he operates a jewelry
17 store and he actually makes loans on
18 jewelry.

19 COUNCIL MEMBER DE JESUS: And the
20 recommendation was -- I'm sorry if I cut
21 you off. The recommendation was actually
22 to approve?

23 MR. MAYOL: For approval, yes.

24 COUNCIL MEMBER DE JESUS: Okay. One
25 more -- actually, two more, Madam Chair,

1 I'm sorry.

2 CHAIRWOMAN DAVIS: Don't apologize to
3 me. I'm here for the long haul.

4 MR. MAYOL: You'll never speak for as
5 long as I spoke, so go ahead.

6 COUNCIL MEMBER DE JESUS: What about
7 security concerns when it comes to the
8 store and -- what type of security do they
9 have?

10 MR. MAYOL: I'm going to invite Jorge
11 to come forward. He has explained to me
12 exactly what he'll do, but I think you'll
13 want to hear directly from Jorge.

14 CHAIRWOMAN DAVIS: But don't give
15 away your secrets so it will stay secure.

16 COUNCIL MEMBER DE JESUS: Going into
17 the store, and let's say where the jewelry
18 is. Being kind of like in a safe
19 environment to do the business.

20 MR. CARVAJAL: The store, people
21 could walk in freely and walk out.

22 COUNCIL MEMBER DE JESUS: Do you have
23 cameras?

24 MR. CARVAJAL: We have 32 cameras.
25 As a matter of fact, funny enough, after

1 going through the expense of installing
2 the camera system, many of times we've
3 actually been the go-to business in the
4 shopping center for incidents at other
5 locations where they've needed to figure
6 out who broke the Miami Herald newspaper,
7 you know, selling machine or what car was
8 around, because nobody else has gone
9 through the expense that we've had.

10 Luckily, we haven't had any, you
11 know, major incidents.

12 COUNCIL MEMBER DE JESUS: You know,
13 where you have the safe or things like
14 that?

15 COUNCIL MEMBER DE JESUS: Oh, yes.
16 The show cases are thick Plexiglass
17 showcases. The inventory is kept away in
18 two vaults. We're insured. We do work,
19 obviously, behind the counters, but many
20 of times we come out and we interact with
21 the customers as needed.

22 COUNCIL MEMBER DE JESUS: Thank you
23 very much.

24 MR. CARVAJAL: Sure.

25 CHAIRWOMAN DAVIS: All right.

1 Councilwoman Suarez?

2 COUNCILWOMAN SUAREZ: Thank you.

3 It says that this is to buy and sell
4 used jewelry. What about new?

5 MR. MAYOL: Actually, he sells new
6 jewelry, a lot of beautiful new jewelry.
7 And they even have some of their own
8 lines. So that will continue. It will
9 still be a full functioning jewelry store.
10 They'll have new merchandise, and they
11 will continue to buy and sell used
12 jewelry. Actually, I don't think they
13 sell used jewelry.

14 Do you sell used jewelry?

15 MR. CARVAJAL: Yes.

16 MR. MAYOL: Yes, some used jewelry.

17 And what they can do out of the
18 Country Walk location, but cannot do out
19 of the Kendall location is the actual
20 lending of money based on the value of the
21 jewelry.

22 COUNCILWOMAN SUAREZ: They cannot
23 lend the money?

24 MR. MAYOL: Not in Kendall, but yes
25 in Country Walk.

1 COUNCILWOMAN SUAREZ: And how much is
2 the fee for the loan? It's a percentage I
3 guess?

4 MR. MAYOL: It's a percentage -- it's
5 an interest rate associated with the
6 transaction.

7 Does it depend on the value and the
8 amount? It's 10 to 15 percent.

9 COUNCILWOMAN SUAREZ: I have a
10 question for the staff. Why did the staff
11 deny the application?

12 MR. HARRISON: Through the Chair,
13 although Mr. Mayol has shown you some
14 previous examples where staff recommended
15 approval.

16 COUNCILWOMAN SUAREZ: Uh-huh.

17 MR. HARRISON: If you noted, the last
18 one of these where staff actually
19 recommended approval in this area was in
20 1997. Since that time, staff has
21 consistently recommended denial. And the
22 main reason for that is that the Code
23 actually states that to be approved for a
24 use variance, you have to show a hardship.
25 That is a necessary hardship.

1 So staff has had to stick strictly to
2 what the code says in their
3 recommendations in recent years. So we
4 have tried, for the most part, to be
5 consistent in recommending denial unless,
6 in certain cases, the applicant is able to
7 show that there is a hardship. In this
8 particular case, we did not see it,
9 because, as the recommendation states, the
10 applicant is able to continue to run a
11 business for an economic benefit. And,
12 therefore, based on what the Code states,
13 staff opines that there is no hardship.

14 COUNCILWOMAN SUAREZ: Thank you so
15 much.

16 MR. MAYOL: Madam Chair, if I may, on
17 the issue of hardship?

18 CHAIRWOMAN DAVIS: Why don't we wait
19 until all the questions, and we can
20 address that then.

21 MR. MAYOL: Okay, yes, certainly.

22 CHAIRWOMAN DAVIS: Any other
23 questions?

24 COUNCILWOMAN SUAREZ: No.

25 CHAIRWOMAN DAVIS: Thank you.

1 COUNCILWOMAN BLANCO: I'd just like
2 to mention that I visited the Country Walk
3 store. I lived by there when my daughter
4 was a baby. She's seven now. She used to
5 lose her earrings, so I would go there to
6 buy replacements.

7 MR. MAYOL: Thank you.

8 COUNCIL MEMBER DE JESUS: Are we
9 allowed to say that?

10 COUNCILWOMAN BLANCO: Why not?

11 But another question, how many people
12 live near that location that are here
13 today? Because they all seem very
14 friendly with the family, but do they live
15 within two miles of this location?

16 MR. MAYOL: Do you want a show of
17 hands?

18 COUNCILWOMAN BLANCO: A show of hands
19 who lives like within two miles.

20 AUDIENCE MEMBERS: (Indicating).

21 COUNCILWOMAN BLANCO: Okay. Thank
22 you.

23 MR. MAYOL: Actually, I do want to,
24 if I'm allowed, be able to say, again,
25 there were 1,338 notices sent out twice.

1 When this item came up on November 7th,
2 there was one gentleman who showed up, and
3 he was coming to oppose the application.
4 He was motivated by the word pawn shop.
5 When he understood exactly what we were
6 proposing, he said, "I don't have a
7 problem with this."

8 COUNCILWOMAN BLANCO: And a question
9 for staff. Hardship, what would they need
10 for hardship, like distance?

11 MR. HARRISON: Through the Chair,
12 I'll try as best as possible to explain
13 that. Hardship can be different
14 circumstances.

15 The main example I can give you now
16 is he gave an example of a house that we
17 approved, and it was in a residentially
18 zoned district. And we recommended
19 approval of a use as an office. And what
20 normally happens is that you find that
21 there is this one house that's left on the
22 street where everything else are offices.
23 And it's not really feasible for somebody
24 to live there in that location. And in
25 that case, staff would normally determine

1 that there is some degree of hardship, and
2 we would recommend approval.

3 In this particular case, what we have
4 tried to be consistent in doing is that if
5 it's a commercial entity, and they are
6 able to continue to operate as a
7 commercial entity, then we, unless the
8 applicant can provide us with something
9 specific, we do not determine that there
10 is a hardship.

11 COUNCILWOMAN BLANCO: And what is the
12 distance between the Country Walk location
13 and this location?

14 MR. MAYOL: Country Walk is at 137th
15 Avenue. The other one is 162nd Avenue but
16 on Kendall. So I'm guessing four, five
17 miles? Six or seven? Six or seven miles.
18 My math was not --

19 COUNCILWOMAN BLANCO: Okay. No
20 problem.

21 Thank you.

22 CHAIRWOMAN DAVIS: Well, the first
23 thing I want to say is, I'm kind of sorry
24 that all of you feel so badly about pawn
25 shops, because my children spent their

1 formative years in another state growing
2 up in a pawn shop. And they still benefit
3 from that pawn shop as did I through my
4 life. And my experience in that store was
5 the same thing. Moms who need medicines,
6 guys who couldn't quite make the bills,
7 you know. And, yes, occasionally people
8 came in and you thought, oh, man, you
9 know, you need some other kind of help
10 than just this pocket full of cash. But,
11 you know, I think we find that in so many
12 walks of life. So I kind of don't want to
13 talk pawn shop there.

14 But that being said, I certainly
15 cannot see any harm, or incompatibility or
16 any problem with making this service
17 available closer to my part of town. And
18 while for some people, Country Walk might
19 not seem far away, I live at Kendall
20 and -- well, I live at 167th and 100th
21 Street. And I try to never go that far
22 east or south after I get home. I mean,
23 you all are great and everything, but
24 that's -- if I never had to go east of
25 147th again, I'd be perfectly happy.

1 I just, you know, want to commend the
2 community for showing their support. And
3 I think that this is very, very good
4 application. And I certainly hope that my
5 council members feel the same way.

6 And that being said, I believe that
7 Mr. Mayol did want to bring up a couple of
8 other points.

9 MR. MAYOL: Yes, just briefly. And I
10 have nothing but respect for the County
11 Attorney's Office, and for staff. They
12 have their opinion. They express it well,
13 they defended their opinion, and we
14 provide a different view.

15 When you -- take the example of the
16 residential lot, the RU-1 lot, and the
17 RU-2 lot that's been used for something
18 other than that, there's still a
19 residential use and staff yet found a
20 hardship to allow -- to recommend approval
21 of an office use in a lot that could be
22 used for a residential for a home. Yes,
23 it's next to an office, but it could be
24 used for a home. That was not prohibited.

25 The code section that we are relying

1 on to come before you is the same code
2 section that has existed, I believe, since
3 1958 in the code. And staff found under
4 the same conditions that there was a
5 hardship to justify the recommendation of
6 approval for the jewelry store -- the
7 loans on jewelry in connection with a
8 jewelry store. The same circumstances,
9 the same characteristics of those
10 properties would apply here.

11 The applicant is left with two
12 choices.

13 One, he can seek the use variance, or
14 two, he can seek to rezone the entire
15 shopping center to BU-3 where the pawn
16 shop would be allowed pursuant to a
17 special exception, which is the second
18 request that's before you. So he faces
19 and impossible or very difficult task to
20 really not change the use. Again, the
21 sale and purchase of used merchandise is
22 allowed already. He's just changing a
23 characteristic of that use to be able to
24 extend a loan on this.

25 So he faces a regulatory hardship in

1 having to come before you and to show you
2 that it would be unreasonable and
3 inequitable to allow other jewelry stores
4 to offer the pawn component, and not to
5 allow him to do the same thing at a
6 location where he could provide service to
7 a greater percentage of the community.

8 So, again, we would urge your
9 approval of the application subject to the
10 conditions that we have proposed.

11 Thank you.

12 CHAIRWOMAN DAVIS: Thank you.

13 And at this time I would like to hear
14 any motions.

15 COUNCIL MEMBER DE JESUS: Motion to
16 approve the application.

17 COUNCILWOMAN SUAREZ: With the
18 approvals?

19 COUNCIL MEMBER DE JESUS: With the
20 approvals, definitely.

21 CHAIRWOMAN DAVIS: With the
22 conditions?

23 COUNCIL MEMBER DE JESUS: With the
24 conditions provided by the applicant.

25 COUNCILWOMAN SUAREZ: I will second

1 it.

2 MR. HARRISON: There's a motion on
3 the floor to approve the application as
4 requested by the applicant, and with the
5 conditions proffered by the applicant.

6 The motion was moved by Councilman
7 De Jesus, and seconded by Councilwoman
8 Suarez.

9 Councilman De Jesus?

10 COUNCIL MEMBER DE JESUS: That would
11 be a yes for the application -- approval.

12 MR. HARRISON: Councilwoman Suarez?

13 COUNCILWOMAN SUAREZ: Yes.

14 MR. HARRISON: Councilwoman Blanco?

15 COUNCILWOMAN BLANCO: No.

16 MR. HARRISON: And Chairwoman Davis?

17 CHAIRWOMAN DAVIS: Yes.

18 MR. HARRISON: Motion passes three to
19 one.

20 MR. MAYOL: Thank you so much.

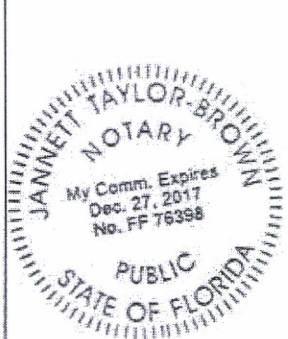
21 We are adjourned.


22 (Thereupon, at 9:11 p.m., the
23 proceeding was concluded:)
24
25

CERTIFICATE OF OATH

STATE OF FLORIDA)
 SS)
COUNTY OF MIAMI-DADE)

I, Jannett Taylor-Brown, Court
Reporter and Notary Public in the State of
Florida, certify that all witnesses personally
appeared before me on this 10th day of
December, 2013, and were duly sworn.





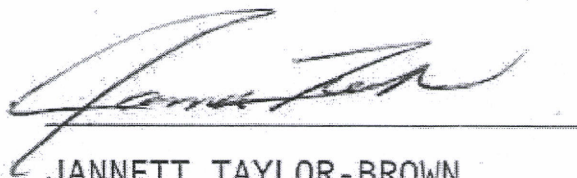
JANNETT TAYLOR-BROWN
Court Reporter
Notary Public, State of Florida
My Commission # FF 76398
My Commission Expires: 12-27-2017

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)SS:

I, Jannett Taylor-Brown, Court
Reporter and Notary Public in the State of
Florida, do hereby certify that a meeting was
held before Community Zoning Appeals Board 11
on December 10, 2013; and that Item Number
13-53, Five Star Jewelers, Inc. was heard, and
that the foregoing pages, numbered 1 through
77, inclusive, constitute a true and correct
transcript of my stenographic notes.

WITNESS my hand in the City of Miami,
County of Miami-Dade, State of Florida, this
8th day of January 2014.



JANNETT TAYLOR-BROWN

COURT REPORTER